

## **Frequently Asked Questions Regulation 6, Rule 3 Wood-Burning Devices Updated – August 2011**

### **Why is wood smoke considered air pollution?**

**Answer:** When wood and other solid fuels are burned, the smoke contains fine particulate air pollution (also known as PM<sub>2.5</sub> and these tiny particles (about 1/70<sup>th</sup> the width of a human hair) can pass deep into the lungs and cause serious health effects to the public. High levels of fine particulates can result in difficulty breathing, aggravate asthma and even cause premature death for people with heart or lung disease. Winter weather conditions can trap wood smoke close to the ground concentrating the air pollution to unhealthy levels. When these conditions occur, wood smoke is the largest portion (approximately 33%) of the wintertime fine particulate matter in the Bay Area.

### **Why is the regulation necessary? Why doesn't the Air District rely on the voluntary compliance of residents?**

**Answer:** The *Winter Spare the Air* program was a voluntary outreach campaign for nearly two decades. Unfortunately, voluntary reductions did not achieve clean air standards. Therefore, the regulation with the mandatory program is necessary to reduce the wood smoke emissions and protect public health.

### **How does the Air District know to call a *Winter Spare the Air Alert*?**

**Answer:** The Air District meteorologists evaluate the levels of fine particulate air pollution and meteorological conditions in order to forecast which days will have unhealthy air quality (typically on cold, still, winter days with stagnant air). On these days, a *Winter Spare the Air Alert* is called to protect public health of Bay Area residents.

### **Why is a *Winter Spare the Air Alert* called throughout the Bay Area when the air in my neighborhood seems good?**

**Answer:** Fine particulate air pollution can stay in the air for prolonged periods and can be transported from one area to another in the Bay Area.

### **Why would the Air District call a *Winter Spare the Air Alert* on a holiday such as Thanksgiving or Christmas Day?**

**Answer:** The Bay Area currently fails to meet the federal air quality standard for PM<sub>2.5</sub> (fine particulates), which translates to potentially serious health consequences for many of our residents. On any day that air pollution levels become unhealthy, the Air District is obligated to notify the public and mitigate sources of air pollution, so on these days, a *Winter Spare the Air Alert* is called to protect public health of Bay Area residents, regardless of the day.

**How do I find out whether it's a designated "no burn day" (*Winter Spare the Air Alert*) and whether I can have a fire in my fireplace or wood stove?**

**Answer:** During the winter months starting November 1<sup>st</sup> through the end of February, you can:

- **Call** - 1-877-4NO-BURN
- **Check** the *Winter Spare the Alert* status at [www.sparetheair.org](http://www.sparetheair.org) or [www.baaqmd.gov](http://www.baaqmd.gov)
- **Listen** for *Alerts* on local radio and TV news media

For your convenience, you can also sign up for [e-mail alerts](#)<sup>1</sup> or [phone alerts](#).<sup>2</sup> . Whenever you light a fire you should always **check before you burn**; burn clean dry wood; burn short, hotter fires that don't smoke; and keep your hearth and chimney well maintained. Excessive smoke or the burning of garbage, plastics, wrapping paper or other inappropriate materials is never allowed.

**Why aren't I allowed to burn in EPA-certified wood stoves, fireplace inserts or pellet stoves during a *Winter Spare the Air Alert*?**

**Answer:** While they burn more cleanly, these wood-burning devices still emit fine particulate air pollution and when the wintertime air pollution reaches unhealthy levels, any burning contributes to excessive air pollution. Therefore, in order to protect the public health of Bay Area residents, the Air District must reduce fine particulate air pollution by banning burning in *all* types of wood-burning devices on these days.

**Does the wood smoke rule ban all fires in my fireplace?**

**Answer:** No, only during a *Winter Spare the Air Alert*. The Air District issues *Winter Spare the Air Alerts* when air pollution reaches unhealthy levels – approximately 20 days each winter – and then the public is not allowed to burn on these days. Other than these few days, you can still burn a legal fire in your fireplace with clean, not wet and dry (seasoned) wood with plenty of air to prevent excessive smoke.

**Can I burn wood or other solid fuels in outdoor fireplaces, firepits or chimineas during a *Winter Spare the Air Alert*?**

**Answer:** No. Another Air District rule, Regulation 5: Open Burning, prohibits the use of outdoor wood-burning devices (including firepits and chimineas) and other recreational fires during a *Winter Spare the Air Alert*.

**Can I barbeque during a *Winter Spare the Air Alert*?**

**Answer:** Barbequing during a *Winter Spare the Air Alert* is not prohibited. However, the Air District asks all Bay Area residents to voluntarily reduce air pollution by making clean air choices every day. Reducing or postponing activities that pollute, including barbequing, when the air quality is forecast to be unhealthy, is one way to help reduce fine particulate emissions and improve air quality.

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<sup>1</sup> <http://www.sparetheair.org/Stay-Informed/Subscribe-and-Share/Air-Alerts.aspx>

<sup>2</sup> <http://www.sparetheair.org/Stay-Informed/Subscribe-and-Share/Phone-Alert-Form.aspx>

### **What if there is a power outage? Can I use my fireplace or wood stove then?**

**Answer:** Yes. The regulation allows for a limited exemption from the requirement of complying with a *Winter Spare the Air Alert* if there is a temporary power outage.

### **Is there an exemption for residents who have no natural gas service in the area and only have propane fuel?**

**Answer:** The exemption does *not* apply when there is any type of permanently installed heating device in a residence or business. Therefore, if you are in an area that does not have natural gas service, but you have a permanently-installed heater (for instance, a propane heater), then you are *not* exempt from the burn ban.

### **What if burning wood is my only source of heat?**

**Answer:** The Air District realizes that some residents may not have another form of heat. The Air District developed an [Exemption Guidance document](#) to help assist you regarding this situation.

### **Are there excessive smoke prohibitions in the regulation?**

**Answer:** The wood smoke rule places year-round restrictions on excessive smoke. When burning is allowed, residents must burn *only* clean, dry (seasoned) wood in short, hot fires with plenty of air to prevent excessive smoke. No visible smoke is allowed beyond the 20-minute start-up period.

### **How are Violation Notices (monetary fines) issued?**

**Answer:** An Air District Notice of Violation (NOV) for a residence or business that violates the wood smoke regulation can be issued *only* if an Air District inspector personally observes and documents the violation. First time violators are issued a warning letter. Those who are found in violation a second time are issued a NOV citation and are subject to a \$400 fine. Repeat violators who subsequently continue to burn in violation of the regulation will face increasing financial penalties.

### **How do I file a complaint if I observe a residence burning on a designated *Winter Spare the Air Alert* (“no burn”) day?**

**Answer:** A public complaint can be filed by either:

- Filling out the [wood smoke complaint form](#)<sup>3</sup> on the Air District’s website, or
- Calling 1-877-4NO-BURN to file a complaint.

Complaints can be filed anonymously so your identity will not be revealed.

### **What do I do if I suspect somebody is burning inappropriate materials in their fireplace, for example, garbage or plastic?**

**Answer:** Burning garbage is strictly prohibited within the Bay Area any time of the year, and

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<sup>3</sup> [https://wscomplaint.baaqmd.gov/public/complaint\\_form.asp](https://wscomplaint.baaqmd.gov/public/complaint_form.asp)

doing so releases many harmful pollutants. If you suspect somebody is burning illegal materials, please file a complaint (see above).

### **What if I live in a multi-unit complex such as a condominium complex – can the Air District pinpoint where the wood smoke is coming from?**

**Answer:** It is very difficult for Air District inspectors to locate the exact source of wood smoke from a multi-unit complex. Therefore, we often send informational packets to all addresses in the complex to educate them about the harmful effects of woodsmoke, the regulation requirements and how to burn cleanly. To assist us, if you register a complaint on a multi-unit complex, please provide as much information as possible, such as the main building address where the unit is located.

### **Does the wood smoke rule affect the sale or installation of outdoor fireplaces, firepits and chimineas?**

**Answer:** Outdoor wood-burning devices are not covered in Regulation 6, Rule 3: Wood-burning Devices. Newly installed outdoor wood-burning devices do not have to be an EPA-certified or pellet-fueled device. However, Regulation 5: Open Burning, prohibits the use of outdoor wood-burning devices (including fireplaces, firepits and chimineas) and other recreational fires during a *Winter Spare the Air Alert*.

### **Which devices can I install in new construction and remodels?**

**Answer:** Newly installed indoor wood-burning devices must be EPA-certified or pellet-fueled devices. A list of approved devices for installation can be found [here](#).<sup>4</sup> However, EPA-certified and pellet-fueled devices are still prohibited from operation during a *Winter Spare the Air Alert*. Natural gas-fueled devices are allowed for installation within the Air District and not subject to burn bans.

### **Can I make repairs to an existing wood-burning device, such as my fireplace chimney?**

**Answer:** Repairs can be made to existing wood-burning devices. However, any newly installed indoor wood-burning device must be an EPA-certified or pellet-fueled device, regardless if the new device is replacing an existing fireplace or other wood-burning device. If a remodel alters or moves an existing devices firebox and/or requires a building permit, then the remodel is considered a new install and only an EPA certified-device or a pellet-fueled device can be installed.

### **How do I know if wood is properly dry or “seasoned” for burning?**

**Answer:** Seasoned wood is firewood that has a moisture content of less than 20% by weight. Only seasoned firewood is appropriate for burning in your fireplace and/or wood stove. Seasoned firewood has the following characteristics:

- Dark colored with cracked ends with cracks radiating from the center like bicycle spokes;
- Light in weight since much of the moisture has been removed,
- Unique sound when two pieces of firewood are hit together. Dry wood rings with a resonant “crack”, like a bat hitting a baseball while wet wood makes a dull “thud” sound;

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<sup>4</sup> <http://www.epa.gov/oecaerth/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>

- Easily peeled or broken bark with no green under the bark.

Additionally, all firewood suppliers must label their firewood as seasoned or unseasoned with instructions on how to properly season the wood.

### **How do manufacturers and retailers comply with the solid-fuel labeling requirement?**

**Answer:** Pursuant to Section 404.1 of Regulation 6, Rule 3, each package of solid-fuel or wood sold or provided within the Air District boundaries must be labeled with the following language:

“Use of this and other solid fuels may be restricted at times by law. Please check 1-877-4NO-BURN or <http://www.8774NOBURN.ORG> before burning.”

Solid-fuels include but are not limited to the following:

- Firewood or wood
- Any manufactured logs (such as DuraFlame)
- Any pressed logs (such as Presto Logs)
- Other fire logs (such as EnviroLog and JavaLog)
- Any solid or semisolid fire starters
- Pellets (wood-based or plant-based)

The requirement to label “each package” means that the smallest unit of product that is intended for sale shall be labeled. For product that can be sold either as individual units or in boxes containing multiple units, the individual units must be labeled. There is no requirement to label the box containing units that are labeled and packaged for individual sale.